

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANA JARVIS, *et al*,

Defendants.

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Cause No. 05-CR-1849-JH

**JOINDER IN DEFENDANT DAKOTA FITZNER'S MOTION TO
DISMISS COUNT 1 OR FOR BILL OF PARTICULARS, Doc. 731**

Greg Hill, by his undersigned counsel, hereby joins in the motion filed by Co-defendant Dakota Fitzner's Motion to Dismiss Count 1, or for Bill of Particulars on October 23, 2006, Doc. 731 , and would specifically add to facts and argument presented in that motion the following:

Pursuant to United States v. Dunmire, 403 F.3d 722 (10th Cir. 2005), the length of time a defendant is a member of a conspiracy is relevant not only to what amount of drugs are properly attributable to him under the guidelines, but also under 21 U.S.C. § 841 to the applicability of any minimum mandatory sentence.

Respectfully submitted,

electronically filed

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Counsel for Mr. Hill

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Joinder in Motion was served on James Braun, Assistant United States Attorney, P.O. Box 607, Albuquerque, New Mexico, 87103, on November 2, 2006.

electronically filed

KARI CONVERSE